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**FILED**

NOV 15 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 FAZIL AHMAD KAYUMY,  
14 Defendant.  
15

No. <sup>4</sup>CR-12-70863 MAG

STIPULATED REQUEST TO CONTINUE  
HEARING DATE TO DECEMBER 3, 2012  
AND TO EXCLUDE TIME UNDER THE  
SPEEDY TRIAL ACT

Hearing Date: November 16, 2012  
Time: 9:30 a.m.

17 The above-captioned matter is set on November 16, 2012 before this Court for a status  
18 hearing. The parties request that this Court continue the hearing to December 3, 2012 at 9:30  
19 a.m. and that the Court exclude time under the Speedy Trial Act between November 16, 2012  
20 and December 3, 2012.

21 The misdemeanor charges in this case are out of the Middle District of Georgia. Since  
22 the last scheduled appearance, the government has provided discovery to the defense. The  
23 defense has been reviewing that discovery. The parties are exploring the possibility of reaching a  
24 plea agreement to be entered in this District pursuant to Rule 20. The general terms of such an  
25 agreement have been discussed and the government is writing up a plea offer. More time is  
26 needed by defense counsel for these purposes. The parties agree the ends of justice served by

Stip. Req. To Continue Hearing Date and to  
Exclude Time, No. CR 12-70863 MAG

1 granting the continuance outweigh the best interests of the public and defendant in a speedy trial.  
2 Therefore, the parties further stipulate and request that the Court exclude time between  
3 November 16, 2012 and December 3, 2012 under the Speedy Trial Act for effective preparation  
4 of counsel pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).  
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6 DATED: November 14, 2012  
7  
8

9 /s/ Andrew Huang  
ANDREW HUANG  
Assistant United States Attorney  
10 Counsel for United States  
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/s/ Ned Smock  
NED SMOCK  
Assistant Federal Public Defender  
Counsel for Fazil Kayumy

1 2012 and December 3, 2012 is excluded under the Speedy Trial Act to allow for the effective  
2 preparation of counsel, taking into account the exercise of due diligence.

3  
4 DATED: 11/15/12

*for Kandis Westmore*  
HON. DONNA RYU

United States Magistrate Judge